

## STATE PARTY EXAMINATION OF SWITZERLAND'S SECOND TO FOURTH PERIODIC REPORT

68<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
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*Switzerland ratified the Convention on the Rights of the Child (CRC) on 24 February 1997. On 21 and 22 January 2015, the Committee on the Rights of the Child (the Committee) examined the second to fourth report of Switzerland. It was last examined on 29 May 2002.*

### Opening Comments

The delegation of Switzerland was led by Ambassador Stephan Cueni, Head of the International Affairs Division, Federal Social Insurance Office of Switzerland. He was supported by representatives from the Federal Social Insurance Office, Canton of Fribourg, the Conference of Cantonal Directors of Social Affairs (CDAS), the Federal Office of Public Health, the Federal Office of Justice, the Federal Office of Police, the State Secretariat for Migration, and the Permanent Mission of Switzerland to the United Nations Office at Geneva.

Mr. Cueni said that the respect and promotion of human rights were one of the five key areas of Switzerland foreign policies and the Youth was the priority of the Swiss Federation. The State party believed that the implementation of international obligations contributed to the enhancement of human rights nationally and internationally as well as peace and international stability. Mr. Cueni said that although children in Switzerland were in a rather favourable position, it was necessary to recognize that some issues remained problematic such as poverty, sexual abuse, suicide, drug abuse, and participation of children. Efforts needed to be made to increase the participation of children. Data collection needed to be improved and equal opportunities needed to be given to vulnerable groups such as minors, asylum seekers

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and unaccompanied minors as well as children of minority background and undocumented migrants. Placement structures needed to be developed and child care needed to be improved.

Mr Cueni stated that following the recommendations made by the Committee, a new follow-up concept had been elaborated that would facilitate coordination within the federal administration and with the cantons. The task of reporting and follow-up were brought together within the Federal Social Insurance Office, facilitating the dissemination of information in regards to child rights. A federal law on the promotion of childhood and youth was adopted in 2013. Collaboration between private and public partners had been encouraged. An electronic information platform allowed for better coordination and systematic sharing of information between the confederation and the cantons. This law also allowed for the different cantons to be allocated financial assistance for a length of 8 years. A national programme Youth and Media had been active and sensitized children and parents on the safe use of digital media. The programme was scheduled to last until 2015. In 2003, an incentive programme was created to reconcile work and family life. Following its success, the programme of a budget of 120 million Swiss francs, was extended to 2019.

Mr. Cueni assured that an emphasis was put on the inclusion of children with disabilities in the education system. Joint parental authority had also become the rule since July 2014 to guarantee equal treatment of the parents in case of divorce and quality relations with both parents. He then gave the floor to Anne-Claude Demierre, Director of Health and Social Affairs of the Canton of Fribourg and member of the Conference of cantonal directors of social affairs.

Ms. Demierre explained that areas such as mandatory education, police, and placement of children outside of their families were areas under the jurisdiction of the different cantons. She added that the confederation, the cantons and the communes had the obligation to respect the minimum standards of human rights. The task of monitoring the implementation of the Convention remained mainly the competence of the cantons. Ms. Demierre informed the Committee that many projects had been conceived by and for the children and reassured the members that the best interest of the child was at the heart of every decision taken at the different levels.

Mr. Gehad Madi and Mr. Bernard Gastaud, the two Country Rapporteurs, welcomed the Swiss delegation.

## **General Measures of Implementation**

### ***Legislation***

The Committee asked about the reservations made by the State party in regards to certain articles of the CRC, mainly articles 10.1, 37 and 40. On the reservation made on article 10, the delegation answered that they did not guarantee family reunification and that the reservation would stay as such. Concerning article 37, the reservation had not been withdrawn because there was a need for more infrastructures. The State party was expected to have more holding facilities built by the end of 2016. The reservation would then be re-evaluated. Regarding article 40, on access to legal aid for children in conflict with the law, the delegation stated that legal aid was not free of charge and the State party intended to keep it as such.

The Committee inquired about the status of the ratification of the third optional Protocol on a Communications Procedure. The delegation replied that the third optional protocol was a very important tool and that the feasibility of its ratification was currently being examined. The Committee asked if a timeframe could be provided on a decision to be reached. The

delegation said that it was rather difficult to answer that question. The study of the feasibility of the ratification had to go through different channels: internal legislative proceedings, parliament, government and a referendum.

The Committee asked whether the internal laws were in conformity with the CRC. The delegation explained that cantons and civil society organisations were looking into reforms. The CDAS and the different offices and departments were taking part in consultations to ensure the conformity of domestic law with the provisions of the CRC. The delegation added that international laws always had primacy. Judges could decide not to mention them in their rulings but there were limits to these decisions.

### ***Coordination and monitoring***

The Committee raised concerns about coordination between the confederation and the cantons and between the cantons themselves. The delegation explained that coordination efforts went through federal laws aiming at improving child rights. The Conference of Cantonal Directors of Social Affairs was established as a tool to coordinate efforts between the different cantons. The CDAS had since 2011 created a Childhood and Youth section that held two specialized conferences: one on protection and another on promotion of child rights. Those conferences were held once a year and had a committee of five members each. The delegation added that the members of the different conferences were very much implicated in the electronic platform, fostering cooperation between the different cantons. The delegation also said that taskforces were created if needed.

The Committee noted that there were discrepancies between cantons in regards to policies, legislations and strategies and inquired on the working documents used by the CDAS conferences to harmonise them. The delegation responded that there was a committee board that met every two months. It reassured the Committee that a lot of efforts of harmonisation were being made. The CDAS worked along the recommendations made by the Committee and also the provisions of the CRC.

The Committee inquired about the creation of a National Institute for Human Rights. The delegation answered that the State party was still examining the question and reminded the Committee that a centre that studied human rights related questions already existed.

### ***Dissemination and training***

The Committee asked whether efforts were made to disseminate child rights in school settings. The delegation explained that child rights were part of the school curriculum. On the federal level, the government supported the creation of Education 21, a programme that produced and disseminated pedagogical materials on the rights of the child and provided trainings to teachers. A centre specialized in the dissemination of human rights existed in Luzern. The delegation added that new regional plans for mandatory education on child rights had been drafted so that more cantons would include modules on child rights in their curriculum. The Alemannic part of Switzerland had recently agreed to include child rights in their curriculum.

The Committee then inquired about the dissemination of the CRC in other settings. The delegation said that conferences and sessions were organised on the cantonal level with the goal to disseminate the recommendations made by the Committee. Sensitisation programmes were also organized and trainings on the CRC were provided to medical personnel. Furthermore, guidelines on the CRC had been published a federal law had been adopted in June 2014 in order to harmonise federal subventions related to continuous training on child rights. The law would enter in force in 2017.

## ***Budget***

The Committee asked how much of the national budget was allocated to the exercise of children's rights. The delegation answered that the transversal characteristic of policies in childhood and youth made it difficult to provide concrete figures. However, a report on families was set to be released in 2017 and would provide information regarding the budget. The delegation informed the Committee that an annual credit of 700.000 Swiss francs was allocated to the diffusion of the CRC and its provisions. It was also possible for organisations with a focus on children's rights to be subsidised.

## **General Principles**

### ***Non – discrimination***

The Committee raised the issue of discrimination and inquired about the measures in place to address this issue. The delegation answered that the State party having a monistic system, international laws in regards to discrimination applied to Switzerland. An initiative on specific laws against racial discrimination had been introduced to the parliament but was voted against. Very few cases of discriminations were brought to court. A Competence Centre for Human Rights had been asked to conduct a study on the causes of discrimination and the challenges faced in the fight against discrimination. The government expected the results of this study to implement appropriate measures. The delegation also added that legal advices were provided to people victim of discrimination.

### ***Best interests of the child***

The Committee expressed some concerns about the use of the term well being of the child rather than best interest of the child and asked for some clarification. The delegation explained that the term well being of the child was used under Swiss domestic law. It added that it was in no way the intention of the State party to reduce the importance of the term best interest of the child. The delegation informed the Committee that the term well being of the child best responded to the linguistic sensibility of the different regions of Switzerland. The Committee remarked that well being was just a part of the welfare of a child and advised the delegation to prefer the terminology best interest of the child to well being of the child.

### ***Right to be heard***

The Committee asked whether children had the right to have their voices heard in school settings and whether professionals were properly trained to listen to children. The delegation answered that there were laws on education in certain cantons that gave pupils the right to participate. The delegation added that trainings on listening skills were provided to professionals dealing with children.

The Committee remarked that only 10 per cent of children affected by divorce were being heard and asked whether any measure was taken for children to be heard in civil proceedings. The delegation replied that the compliance with article 12 of the CRC in regards to divorce hearings and child protection was not uniform in all cantons. However, a review in all cantons had been ordered in 2014 with the aim to harmonise.

The Committee raised concern about surgical procedures on intersex children being done at an early stage without the opinion of the child being taken into consideration. It asked whether the State party would consider prohibiting it because it was very important that intersex children could voice their opinion. The delegation responded that the government had decided that surgical procedures could only take place in cases of extreme necessity. The National Ethics Commission had been consulted on the issue and shared the government's opinion. The delegation also informed that measures had been taken to allow intersex

children to change their gender on their birth certificate once an informed decision had been taken on their gender. It also added that there was an effort to gather more data for a better evaluation of the situation, bearing in mind the importance of the child's opinion.

### ***Ombudsman for children***

The Committee inquired about complaint mechanisms for children when they were not satisfied with the services provided to them. The delegation replied that the State party was taking the creation of an ombudsman for children under serious consideration. However, the initiative had recently been postponed. The mandate of the ombudsman for children was already filled by other departments. The government thought more appropriate to generate efforts to better coordinate these services.

The Committee noted that there seemed to be different mechanisms for different areas and asked whether children were well aware of them. The delegation explained that there was a national helpline for children supported by the joint efforts of Pro Juventute and the confederation. The delegation added that on the cantonal level, there existed cantonal mediation bodies and cantonal ombudsmen. In school, social workers were appointed to receive children's complaints. The Committee then inquired whether vulnerable children had access to these complaint mechanisms. Bearing in mind that the State party was considering ratifying the third Optional Protocol on a Communications Procedure, it reminded the delegation of the necessity to have a comprehensive complaint system for all children in place before ratifying the third Optional Protocol. The delegation remarked that it was quite a challenge for vulnerable children but that the existence of the helpline was a good starting point.

## **Civil Rights and Freedoms**

### ***Corporal punishment***

The Committee asked for more information on corporal punishment. The delegation explained that there was no disposition under the penal code that explicitly banned corporal punishment. The government believed that the pre-existing dispositions were sufficient to protect children against all forms of corporal punishment. The Civil Code stated that the duty of education was part of the parental authority and as such, parents had to ensure the protection of their children corporal, moral and psychological well-being. The revision of the law on parental authority in 2014 stipulated that violence on children could lead to the revocation of parental authority. Cantons provided support to parents and the umbrella organisation Formation des Parents provided trainings on education and on building strong relationships with their children. Learning programmes and games were made available to educate children on the issue.

The Committee asked whether cases of corporal punishment had been reported and the perpetrators prosecuted. The delegation replied that each case was assessed on an individual basis to determine whether or not it was considered a violation. Some parents or their partners had been prosecuted for hitting their children. The delegation assured the Committee that some measures had been taken to address the issue. In school settings, a legislative initiative was being adopted, requiring school staff to report any suspected case of child abuse. The delegation added that some cantons had specific laws in regard to corporal punishment while others would just refer to the Penal Code.

### ***Child abuse***

The Committee asked whether the State party had a national strategy on violence. The delegation answered that a national strategy was currently being drafted. However, a

programme Youth and Violence had been established since 2010 and offered trainings and sensitisation campaigns to children and professionals working with them. The delegation added that the Observatory of Maltreatment against Children in Lausanne also provided trainings.

### ***Freedom of association and peaceful assembly***

The Committee raised concern about the interdiction of children to be in public space at night, reminding that it was an infringement of the freedom of association and peaceful assembly. The delegation explained that the interdiction was valid at a certain time. It reminded that the freedom of association was not an absolute right. The decision was made for the respect and protection of the public order. The decision was taken on a communal level and there was always the possibility to dispute this decision with the police. The Committee asked whether a child could bring his/her case in front of a tribunal if the police did not accept the request. The delegation replied that communal decisions could be disputed by a higher authority. The complaint could then be lodged to administrative authorities and then to the tribunal, even the federal one.

### ***Right to an identity***

The Committee was concerned about the right of a child to know his/her origin in the case of adoption and assisted reproduction. It was curious to know why access to information could only be granted at the age of 18. The delegation said that a child had a right to know his/her origin before 18 but only in the case of legitimate interest. A bill was currently being drafted, giving a child under 18 the right to know his/her origins in an anonymous way. The Committee asked whether it was possible for a child to get access to information for medical reasons. The delegation said that according to the draft bill, the child would be provided with all the information needed with the exception of the parents' identity that could only be revealed after the child had turned 18. This right was also guaranteed for children born from assisted reproduction. Doctors were required to get information from sperm donors that would be registered for 80 years in case a child ever needed to access them.

The Committee also expressed concern about the baby boxes practice. The delegation explained that the baby boxes fell under cantonal jurisdiction. Five cities had baby boxes. The delegation added that while raising ethical, human and legal questions, baby boxes were saving lives and that banning them would be problematic. The delegation informed the Committee that it was now possible to give birth anonymously.

### ***Right to life***

The Committee raised some concern about suicide being the second cause of deaths among teenagers. 1 out of 20 teenagers died by suicide. The Committee asked for figures on the number of attempted suicides in the last three years and inquired whether any national strategy for prevention had been implemented. The delegation recognized that suicide was a serious problem. At the cantonal level, Zug and Zurich had implemented a strategy for the prevention of suicide. At the national level, the Federal Office of Public Health had created the Alliance against Depression that followed the recommendations given by the World Health Organisation. A network of professionals of mental health had also been created to facilitate the exchange of knowledge and skills. The delegation added that a national action plan for the prevention of suicide was being drafted by the Federal Office of Public Health in collaboration with the different cantons and would be ready in 2016. The national plan would include monitoring measures for the youth. The delegation did not have figures for the number of attempted suicide but offered to provide them later. It announced that a report providing explanations on the root causes and data on suicide would be released soon.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee asked whether there was a support system in place for unemployed mothers. The delegation explained that unemployed mothers could get unemployment benefits on the federal level. On the cantonal level, there were complementary services for families. The Conference of Cantonal Directors of Social Affairs had adopted recommendations on the implementation of supplementary measures. Social support was also given to families with low income so to fight poverty in families. A Conference of Social Action Institutions had produced a set of guidelines and suggested supplementary services. The Committee asked whether those supplementary services would be provided because the benefits from the federal government were insufficient. The delegation replied that the benefits from the federal government were social benefits in case, for example, of unemployment or sickness. Cantonal benefits were offered even if the beneficiary did not meet the requirements for federal assistance. This did not mean that the federal benefits were not enough.

The Committee asked the age until which children were allowed to stay with their incarcerated mothers. The delegated answered that children were allowed to stay with their mothers until the age of 3 years.

### ***Institutions and family-based care***

The Committee noted that there were different measures regarding the development of family placement in different cantons. It asked for more information on family placement. The delegation said that an ordinance on children placement came into force on 1 January 2013. The Canton of Geneva had started a campaign aimed at recruiting foster families. The CDAS had created a working group to exchange on good practices and the support to foster families. The delegation added that an inter-cantonal convention in regards to social institutions existed and promoted the application of quality standards for institutions.

### ***Surrogacy***

The Committee was concerned about the legal status of children born from surrogacy. The delegation explained that if the child did not have any link to either parent, either parent was not considered as such. In that case, parents needed to apply for adoption because the surrogacy would be considered as a normal adoption. While the application would be evaluated, the child would be placed in alternative care for a length up to one year. The nationality of the child would depend on the law of the country of origin. The child would not be considered a Swiss citizen until the adoption was completed. The Committee asked whether there was no guarantee that parents bringing a child born out of surrogacy from outside the country would be recognized as such. The delegation replied that that was the case, because the government did not want to encourage an illegal practice.

## **Basic Health and Welfare**

### ***Health services***

The Committee asked for more information on the measures taken to fight obesity in the State party. The delegation explained that a strategy had been developed in 1992 and the plan for 2013-2016 included key issues and actions to address them. Some cantonal programmes had been adopted until 2021 to promote healthy eating habits and physical activities.

The Committee raised concern about the practice of Female Genital Mutilation (FGM) and asked whether measures had been taken to fight this problem. The delegation said that FGM was punishable under Article 124 of the Penal Code. The delegation added that the Federal

Office of Public Health had started a prevention and sensitization campaign in 2004 but delegated the task to Caritas Suisse in 2006. A community based prevention campaign had also been launched to promote participative prevention. At the national level, the prevention of FGM was part of the National Programme on Migration and Health. A national working group had been created to establish a network of actors and elaborate recommendations. The delegation added that FGM treatments were covered by health insurances and there had been a change in diagnosis coding since 2005. The Committee asked whether Caritas was working under contract and if the services provided were being monitored. The delegation replied that Caritas had signed a contract with the Federal office of Public Health. It also assured the Committee that Caritas' activities were monitored.

### ***Breastfeeding***

The Committee commended the efforts of the State party to promote breastfeeding but noticed that there was no national strategy and not enough initiatives. The delegation said that the Swiss Foundation for the Promotion of Breastfeeding was leading a campaign on the nutrition and health of the mother and the child. The labour law had been amended to allow the remuneration of breastfeeding breaks and the State party had ratified the ILO Convention 183. The delegation added that restrictions had been put on the advertisement of artificial milk. The Committee reminded the delegation that the World Health Organisation recommended six months of exclusive breastfeeding and asked the delegation if there was any initiative in extending paid maternal leave. The delegation remarked that paid maternity leave had been the result of a lot of efforts and that extended maternal leave was not a priority for the State party.

### ***Children with disabilities***

The Committee expressed concern about the use of packing on autistic children not being banned by the State party. The delegation said that packing was not formally banned. However, health insurances did not recognize it because there was no proof that it was an efficient treatment. The delegation added that from its knowledge, packing was not used on children. The Committee asked why the State party was reluctant to ban it. The delegation evoked the principle of therapeutic freedom. A parliamentary initiative had called for a report and the government had decided to provide an overview of detection and support methods.

The Committee asked whether the State party was considering abandoning psychoanalysis assessment that could be harmful to the children. The delegation said that they could not answer that question at the moment and that they needed to inquire for more information regarding that issue.

### ***Drug and substance abuse***

The Committee raised concern about the excessive use of psychotropic drugs on children and asked whether measures had been taken to address the issue. The delegation replied that the package of measures to reduce the consumption of drugs, tobacco and alcohol also included the reduction of psychotropic drugs' usage. Those measures were aimed at the entire population with a focus on children from vulnerable communities. The delegation added that societal environment brought parents to consult doctors and ask for Ritalin treatment. The delegation also added that the State party had ordered a report from the Federal Office of Public Health. The Committee asked whether this report had been published and distributed. The delegation said that the report had just been submitted to the government at the end of November 2014. It reassured the Committee that it would be published shortly. The Committee asked whether other measures such as parenting programmes had been envisaged to reduce the prescription of Ritalin. The delegation answered that the government had come



to the conclusion that it was not necessary to develop special measures to decrease the systematic prescription of Ritalin. However it agreed that attention needed to be given to the situation.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee inquired about measures taken to address the lack of school attendance. The delegation explained that a managerial system had been introduced in all cantons, particularly for the Youth group in grade 9 and 10. The delegation added that centres for professional training had been opened in October 2014. Social workers had also been increased in schools. The delegation stated that the lack of attendance is of importance to the government. The Committee asked whether data regarding the lack of attendance and school dropout were available. The delegation replied that it did not really have data regarding school attendance and dropout rate.

The Committee mentioned the Stop Dropout of School programme and asked for more information. The delegation stated that it was a relatively new program. The delegation would gather more information on the programme and submit them by writing to the delegation.

The Committee raised concern about the lack of teaching of languages and culture of origin to migrant children. The delegation explained that migrant children represented 24 per cent of children enrolled in primary school and 34 per cent in other levels. Agreements had been developed between cantons, giving pupils the possibility to attend language and culture classes. The management of these initiatives was provided by NGOs. A federal law on national languages had been developed. The delegation added that subventions were available for the training of teachers. Also, recommendations and principles had been developed.

### ***Children with disabilities***

The Committee was concerned about the lack of measures for inclusive education made available to children with autism. The delegation explained that Article 20 of the federal law on education for people with disabilities called for their inclusion in the regular school system. The delegation added that an agreement had been signed between cantons in 2007 that privileged inclusive solutions. 16 cantons had signed this agreement among which the canton of Geneva. The delegation also added that the State party had ratified the International Convention on the rights of persons with disabilities in April 2014.

## **Special Protection Measures**

### ***Juvenile justice***

The Committee was concerned about the minimum age of criminal responsibility being 10. The delegation explained that the juvenile justice system aimed to educate and not to punish and that minimum age of criminal responsibility had been set to 10 for protection measures. The Committee stated that the argument was not convincing and reminded the delegation that in its concluding remarks in 2002, it had raised concern about the proposal to increase the minimum age of criminal consent from 7 to 10, adding that 12 was a more reasonable alternative.

The Committee asked whether a child in conflict with the law was provided with free legal aid if he/she was not able to pay legal fees. The delegation replied that no free legal aid was provided and that the parents or legal guardians of the child were obligated to pay said fees.

The Committee asked about the type of sentencing that a child age 11, victim of abuse by a family member would get if he/she committed murder. The delegation explained that mediation could take place in tribunals. If the mediation was successful, the child would not be sentenced. The delegation added that there was no deprivation of liberty for children age 11.

The Committee asked whether alternative measures to deprivation of liberty existed for children between 15 and 18. The delegation replied that alternative measures existed for those children and imprisonment was always used as a last resort.

### ***Asylum seeker and Migrant child***

The Committee asked for more information on the possibility for undocumented migrants to receive training. The delegation replied that amendments had been made to the law to allow this, upon certain requirements including being in possession of a resident permit.

The Committee was concerned about the discrimination of migrants. The delegation stressed the importance of integration and access to equal opportunities for migrants. Within this approach, a tripartite conference on agglomerations had been organised to address the issues related to the health of migrants in Switzerland. The conference mainly focused on maternal and infantile health. Language courses were also offered to pregnant women.

The Committee asked whether the best interest of the child was taken into consideration in asylum cases. The delegation replied that cantonal and federal authorities did take into consideration the best interest of the child and that there were always higher odds that the best interest of the child won over public interest. Decisions regarding asylum were made on the basis of the child's age, level of school integration and health.

The Committee asked for more information on measures in place for stateless children. The delegation explained that Article 30 of the law on naturalisation facilitated naturalisation after five years. Cases of naturalisation of stateless children were under the responsibility of the State Secretariat of Immigration. The Committee was curious to know whether a child born in Switzerland from stateless parents would be granted Swiss citizenship right away. The delegation replied that Swiss citizenship was not granted to a child born from stateless parents and that being born in Switzerland was not a guarantee of non-return. The Committee inquired about the State party's intent to ratify the 1961 Convention on the reduction of statelessness. The delegation answered that the State party had already ratified the 1954 Convention relating to the Status of Stateless Persons. It added that an initiative had been introduced in 2005 for the ratification of the 1961 convention on the reduction of statelessness but members of the parliament had opposed it.

The Committee asked whether measures had been taken to facilitate the access to healthcare services for undocumented migrants. The delegation answered that undocumented migrants were required to have medical insurance. They could have access to basic health services without any insurance. Undocumented children could access services from the school doctor.

The delegation added that article 310-21 of the penal code required insurance professionals to deal with information related to undocumented migrants in a confidential manner. However, the delegation said that there was probably a lack of compliance in practice.

### ***Minorities***

The Committee was concerned about the lack of inclusiveness of children from minority groups. The delegation explained that Yenish people were recognised as national minorities. Approximately 600 children travelled with their parents. However they did attend school in the regions where they would stay during the winter. The delegation added that the umbrella

organisation of Roma people existed to draw the attention of Roma families on support structures in place. Since 2012, a pilot project on software use by Roma people had been developed. The delegation also added that last year, a working group had studied the questions of reception areas and conventionality.

### **Armed Conflicts**

The Committee asked whether there had been any cases of children being recruited to fight in armed conflicts. The delegation replied that there had been two cases of adolescents aged 15 and 16 having left Switzerland to fight in Syria or to join the Islamic State of Iraq and al-Sham. The delegation reassured the Committee that a task force had been put in place to prevent this type of cases and that the government had decided to create six additional positions to facilitate the collecting of data regarding this phenomenon. The Committee asked for more information on the way the children that enrolled in the Jihad would be legally treated since the State party lacked legal texts criminalising the recruiting of children under the age of 18. The delegation explained that the task force was relatively new. It was working on a set of guidelines to address this relatively new phenomenon. The delegation explained that such enrolment was punishable under military penal code. The delegation also stated that upon their return to Switzerland, these children would be put under surveillance. However, the recruitment having been done abroad, the State party was very limited when it came to penal proceedings.

The Committee asked whether there was a rehabilitation system in place for children previously involved in armed conflicts. The delegation explained that an in depth interview was conducted as well as medical exams. The child was then put under the tutelage of a person of trust to ensure the protection of the child. The delegation also added that the Red Cross provided medical and therapeutic support to children who had been involved in armed conflicts.

### **Concluding Remarks**

Mr Gehad Madi, the Country Rapporteur for Switzerland, thanked the delegation for the dialogue. He regretted the fact that some issues were not addressed or elaborated enough but suggested that it was probably due to the lack of time. Mr. Madi encouraged the State party to take into considerations the Concluding Observations of the Committee and expressed the hope that the next periodic report would be submitted on time.

Mr. Cueni, Head of the Swiss delegation, thanked the Committee for what he considered an intensive yet constructive exchange and not an exam. He commended the Committee for its capacity to understand the Swiss system. Mr. Cueni stated that the different levels of governance and the distribution of competences made it challenging for coordinating efforts. He reassured the Committee that its ideas and recommendations would be remembered and that all three levels of the governing bodies of the State party were dedicated to the respect of the rights of the child.